

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF VERMONT

UNITED STATES OF AMERICA)	
)	
v.)	Crim. No. 18-CR-104
)	
RICHARD MEMOLI (a.k.a. "Rico"),)	
Defendant.)	

GOVERNMENT'S MOTION FOR DETENTION

The United States moves for pretrial detention of the above-named defendant pursuant to 18 U.S.C. § 3142(e) and (f).

1. Eligibility for Detention.

This defendant is eligible for detention because the case involves an offense under 21 U.S.C. § 856(a), which is a Controlled Substances Act offense for which the maximum term of imprisonment is twenty years and detention is authorized pursuant to 18 U.S.C. § 3142(f)(1)(C).

2. Reason For Detention.

The Court should detain the defendant because there are no conditions of release which will reasonably assure the safety of the community and the defendant's appearance. The defendant has a significant criminal record, including prior convictions from this Court in May 2010, for cocaine distribution and possession of a stolen firearm. Judge Murtha sentenced the defendant to 30 months imprisonment. Judge Murtha later reduced this sentence to 27 months after the Vermont Supreme Court reversed the defendant's conviction for aggravated sexual assault, which affected the defendant's criminal history category. *See State v. Memoli*, 189 Vt. 237 (2011).

The defendant's period of supervised release terminated in August 2013. Since that time, the defendant was convicted in Chittenden County of a misdemeanor offense of False Pretenses/False Token of \$900 or less. In April 2017, the defendant was charged with aggravated sexual assault. This case has been dismissed, apparently due to an unavailable witness. The defendant's recidivism alone illustrates, by clear and convincing evidence, his danger to the community, which cannot be reasonably addressed with conditions of release. At the time of his arrest, the defendant admitted to having an addiction to cocaine base. His addiction exacerbates his risk to safety of the community.

As to risk of flight, it does not appear that the defendant has any stable residence. According to law enforcement, he has recently been staying in his camper-trailer in the Walmart/Home Depot parking lot in Williston, Vermont. He was arrested there today. Accordingly, the government believes that the defendant is also a risk of flight.

3. Rebuttable Presumption.

The United States invokes the rebuttable presumption against the defendant under 18 U.S.C. § 3142(e)(3).

4. Time For Detention Hearing.

If the U.S. Probation Office requires additional time to complete an adequate pre-trial report, the United States requests a continuance until September 19, 2018, pursuant to 18 U.S.C. § 3142(f).

Dated at Burlington, in the District of Vermont, September 14, 2018.

Respectfully submitted,

UNITED STATES OF AMERICA

CHRISTINA E. NOLAN
United States Attorney

By: /s/ Joseph R. Perella
JOSEPH R. PERELLA
Assistant U.S. Attorney
P.O. Box 570
Burlington, VT 05402-0570
(802) 951-6725
Joe.Perella@usdoj.gov